

TITLE 6. ECONOMIC SECURITY**CHAPTER 10. DEPARTMENT OF ECONOMIC SECURITY
THE JOBS PROGRAM**

(Authority: A.R.S. §§ 41-1954(1)(b) and 41-1954(3))

Editor's Note: Sections of this Chapter were repealed and adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules. Under Laws 1997, Ch. 300, § 74(B), the Department is required to institute the formal rulemaking process on these Sections on or before December 31, 1997. Because these rules are exempt from the regular rulemaking process, the Chapter is being printed on blue paper.

ARTICLE 1. JOBS: GENERAL PROVISIONS

Article 1, consisting of Sections R6-10-101 thru R6-10-121, repealed; new Sections R6-10-101 thru R6-10-125 adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Section

- R6-10-101. Definitions
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- R6-10-121. All Families Except TPEP: Failure to Participate; Sanctions
- R6-10-122. Good Cause Exceptions
- R6-10-123. TPEP: Failure to Participate; Withholding
- R6-10-124. Subsidized Employment - JOBSTART
- R6-10-125. Employer Participation - JOBSTART

ARTICLE 2. REPEALED

Article 2, consisting of Sections R6-10-201 thru R6-10-220, repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Article 2, consisting of Sections R6-10-201 thru R6-10-220, adopted effective December 11, 1995 (Supp. 95-4).

ARTICLE 3. GRIEVANCE PROCEDURES

Article 3, consisting of Sections R6-10-301 thru R6-10-304, adopted effective December 11, 1995 (Supp. 95-4).

Section

- R6-10-301. Definitions
- R6-10-302. Grievance - Regular Employees; Employer
- R6-10-303. Grievance Process
- R6-10-304. Further Appeal

ARTICLE 1. JOBS: GENERAL PROVISIONS

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R6-10-101. Definitions

The definitions in A.R.S. § 46-101 and the following definitions apply to this Chapter:

1. "AHCCCS" means the Arizona Health Care Cost Containment System.
2. "All families" means all families, except TPEP, receiving cash assistance payments.
3. "Calendar week" means 7 consecutive days beginning on Saturday.
4. "Calendar year" means a 12-month period beginning January 1 and ending December 31.
5. "Cash assistance program" means the Temporary Assistance for Needy Families program established by Public Law 104-193, Section 407 (1996).
6. "Community service programs" means unpaid work activities which provide a service to the community or an organization.
7. "DES" means the Arizona Department of Economic Security, which is sometimes referred to as "the Department."
8. "Education directly related to employment" means remedial education and English for Speakers of Other Languages (ESOL) for individuals who have not attained a high school diploma or GED.
9. "Employment plan" means the agreement described in R6-10-107, between the participant and the Program, describing the steps and services needed to transition a client to economic independence.
10. "FAA" means the Family Assistance Administration which is the administrative unit within the DES Division of Benefits and Medical Eligibility responsible for providing cash assistance to eligible persons.
11. "Fails to participate" or "failure to participate" means that a participant has not met JOBS requirements for orientation, assessment, employment plan development, compliance with the terms of the participant's employment plan, or participation in work activities.
12. "Full-time employment" means employment that is 40 hours per week or, if less, is regarded as full-time for a specific industry.
13. "GED" means general equivalency degree which is a certificate awarded upon completion of a series of 5 tests that demonstrate high school skills equivalency.
14. "Job readiness" means a structured employment preparation program which includes life skills, employment, and job retention skills.
15. "JOBS" means the administrative unit within the DES Division of Employment and Rehabilitation Services which is responsible for administration of the JOBS Program.
16. "Job search" means a structured activity in which participants are required to actively seek employment by identifying employment opportunities, applying for employment, and participating in employment interviews.
17. "Job skills training" means training opportunities which enable a participant to become proficient in an occupation or skill necessary to meet the participant's employment goal.
18. "JOBSTART" means the state's subsidized work activity in the public and private sectors.
19. "JOBSTART employment" means the subsidized employment for which participants are hired.
20. "Licensed physician" means:
 - a. Medical doctors,
 - b. Doctors of osteopathy,
 - c. Doctors of naturopathic medicine,
 - d. Chiropractors,
 - e. Psychiatrists, or
 - f. Board-certified psychologists.
21. "Making satisfactory progress" means that a participant is meeting, on a periodic basis, a consistent standard of progress based upon standards established by the institution or program, and approved by JOBS, in which the participant is enrolled for educational or training activities.
22. "OJT" means on-the-job training which is a paid training opportunity generally provided at a worksite for a specified period.
23. "Participant" means a cash assistance recipient who is registered with JOBS to participate in the Program.
24. "Primary activities" means work activities which count toward the work requirement.
25. "Program" means the JOBS Program, as authorized by A.R.S. § 46-299.
26. "Recipient" means an individual receiving cash assistance payments through the cash assistance program administered by the FAA.
27. "Regular employee" means an unsubsidized individual currently employed by an employer.
28. "Sanction" means a reduction or termination of cash assistance, for all families, except TPEP, who fail to participate or comply with Program requirements without good cause.
29. "Satisfactory attendance in high school or GED activities" means that a participant who has not completed high school or received a GED is attending high school or GED activities and meeting attendance requirements established by the school or GED program.
30. "Satisfactorily participates in education directly related to employment" means that a participant is meeting, on a periodic basis, a consistent standard of progress based upon standards established by the educational institution or program.
31. "Secondary activities" means work activities that count toward the work requirement only after meeting the required hours in primary activities.
32. "Subsidized employment" means employment in a public or private sector organization which receives a JOBSTART subsidy to offset the cost of wages (and possibly other employer-paid benefits) of an employee.
33. "Support services" means services provided to JOBS participants which enable them to participate in work activities, to accept and maintain employment, and to successfully make the transition to employment.
34. "Teen custodial parent" means a parent age 13 through 19 who is caring for the parent's child.
35. "TPEP" means the Two-Parent Employment Program for cash assistance for 2-parent families in which both par-

- ents are able to work and the primary wage earning parent is unemployed.
36. "Transportation-related expenses" means an allowance for transportation expenses that may be incurred by a participant as a result of participating in JOBS.
 37. "Unaffordable" child care means that child care is not affordable to a family because the cost of care is more than what DES will pay.
 38. "Unavailable" child care means that:
 - a. Child care providers are located more than 1 1/2 hours 1 way in total travel time from the recipient's home to the child care provider, and to work, after exploring all modes of transportation, including walking;
 - b. Child care providers do not have available slots or vacancies;
 - c. Child care providers cannot provide services to a disabled or handicapped child with special needs;
 - d. Child care providers related to the child are unavailable or unwilling to provide care;
 - e. Child care is available through a non-relative provider, as defined in A.R.S. § 46-801(11) but the provider is unwilling to apply for DES certification.
 39. "Unsubsidized employment" means all paid employment in the public or private sector except JOBSTART or OJT.
 40. "Unsuitable" child care means that child care is available through a relative provider, but the recipient declares in writing that the provider is inappropriate based on factors, such as, that the relative provider:
 - a. Has a history of child neglect or abuse;
 - b. Is experiencing domestic violence;
 - c. Has a history of serious crime;
 - d. Is a drug abuser;
 - e. Has an emotional, mental, or physical condition which prevents the relative from providing safe care; or
 - f. Resides in a home which is unsafe for children.
 41. "Vocational educational training" means training directly related to a career or occupation and which results in a degree or certificate.
 42. "Withholding" means withholding of semi-monthly TPEP cash assistance checks, for TPEP parents who fail to participate or comply with Program requirements without good cause.
 43. "Work activities" means activities that are countable toward the federal work participation rate as prescribed in Public Laws 104-193, Section 407 (1996):
 - (a) Unsubsidized employment;
 - (b) Subsidized private or public employment;
 - (c) Work experience;
 - (d) On-the-job training;
 - (e) Job search and job readiness assistance;
 - (f) Community service programs;
 - (g) Vocational educational training;
 - (h) Job skills training directly related to employment;
 - (i) Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - (j) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. A.R.S. § 46-101(23).
 44. "Workday" means Monday through Friday, excluding Arizona state holidays.
 45. "Work experience" means unpaid work in the public or private sector that helps a participant establish a good work record and develop good work habits and skills, and provides opportunities for the participant to transition into paid employment.
 46. "Work requirement" means the minimum number of hours required for all families and 2-parent families to participate in work activities as a condition of eligibility for cash assistance, as prescribed in Public Law 104-193, Section 407 (1996), not including any later amendments or editions, which is incorporated by reference in this rule. Copies of the incorporated material are available for inspection at the Department's Authority Library, 1789 W. Jefferson, Phoenix, Arizona and in the office of the Secretary of State, Public Service Department, 1700 W. Washington, Phoenix, Arizona.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-102. Work Requirement

- A. As a condition of eligibility for cash assistance, a recipient shall participate in work activities unless the recipient satisfies subsection (B).
- B. JOBS shall not require the following recipients to participate in work activities:
 1. The recipient is already meeting the work requirement.
 2. The recipient is a dependent child under age 16 or is age 16 through 18 and attending school.
 3. The recipient is temporarily deferred from the work requirement, as prescribed in R6-10-106.
- C. JOBS shall assign all recipients, other than those listed in subsection (B), to work activities for at least the minimum number of hours per week required to meet the work requirement.
- D. JOBS may require recipients, who are required to participate and have not been temporarily deferred, to participate for at least 5 hours more per week in work activities than the minimum number of hours required to meet the work requirement.
- E. The Department shall impose a sanction, as provided at R6-10-121, or a withholding, as provided at R6-10-123, if a recipient who is required to participate fails to participate in work activities without good cause, as defined in R6-10-122.
- F. JOBS may permit a recipient who is already meeting the work requirement to volunteer to participate in JOBS.
 1. A volunteer shall receive JOBS services on a 1st-come, 1st-served basis, to the extent that resources permit, except that volunteers nearest to reaching the 24-month time limit for cash assistance shall receive priority.
 2. JOBS shall not sanction a volunteer who fails to participate without good cause. However, a volunteer who fails to participate without good cause shall lose priority status for participation in the Program. Good cause, for the pur-

pose of this subsection, means 1 of the circumstances described in R6-10-122.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
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R6-10-103. Tribal JOBS

JOBS shall not serve a person who is eligible to receive assistance through a tribal cash assistance program or services through a Tribal JOBS program.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-104. Selection for Participation; Notification

- A. JOBS may select a recipient, other than a TPEP parent, for services according to program priorities which are based on serving those at-risk of losing cash assistance due to time limits or becoming long-term welfare dependents.
- B. JOBS shall consider the following factors when determining selection priorities:
 1. The number of months a recipient has received cash assistance,
 2. Whether the recipient is a teen-custodial parent, and
 3. Sanction status.
- C. JOBS shall notify a recipient, in writing or in person, who has been selected to participate in the Program of the requirement to attend an initial interview appointment. The notice shall include:
 1. The date and time of the appointment, and the address of the JOBS office where the interview will be held;
 2. The procedure for rescheduling the initial interview appointment; and
 3. The penalty for failing to comply with the initial interview appointment requirements as prescribed in R6-10-121.

- D. JOBS shall begin services to a sanctioned parent or a TPEP parent at the time the parent reports to the JOBS office.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
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R6-10-105. Orientation and Initial Appointment

- A. The Department shall provide a program orientation to applicants prior to a cash assistance determination.
- B. At the initial appointment, JOBS shall:
 1. Register the recipient in the Program;
 2. Ensure the recipient has completed a self-assessment as prescribed by the Program;
 3. Explain to the recipient the rights and responsibilities of the recipient, the Program, and the child care program;
 4. Complete an employment plan with the recipient that considers the recipient's background and skills.
- C. JOBS shall permit a recipient to reschedule an initial interview appointment only if the interview process can be completed no later than 10 days from the date of the original interview appointment date.
- D. If a recipient does not complete the initial interview process within the timeframe prescribed in subsection (C), the Department shall sanction the recipient as prescribed in R6-10-121.

Historical Note

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R6-10-106. Temporarily Deferred Determinations

- A. JOBS shall determine whether to temporarily defer a participant from participation in work activities.
- B. JOBS shall defer a recipient, except a TPEP parent, if the recipient falls into 1 of the categories listed in this subsection:
 1. A licensed physician determines that the participant is mentally or physically incapable of engaging in work activities.

2. The recipient is a victim of domestic violence whose participation in JOBS may cause an immediate threat to the safety of the victim or the victim's child.
 - a. JOBS shall defer a victim of domestic violence for the period of time the recipient needs to make changes in circumstances that will enable the recipient to safely participate in work activities.
 - b. The deferral shall not exceed 6 months.
 3. The recipient needs to be present in the home on a continuous basis to care for a member of the family who has a physical or mental disability, as verified by a licensed physician, and no other member of the household is available or suitable to provide the care.
 4. The recipient is a teen custodial parent with a child under 12 weeks of age.
 5. The recipient is a parent, relative, or caretaker who is personally caring for a child under the age of 1 year, unless the recipient is a teen parent who does not have a high school diploma or GED.
- C. JOBS shall temporarily defer only 1 parent in a TPEP family. JOBS shall temporarily defer a TPEP parent, if the TPEP parent:
1. Is personally caring for the TPEP parent's child who is under the age of 1 year, unless the TPEP parent is a teen custodial parent who does not have a high school diploma or GED.
 2. Is a teen custodial parent with a child under 12 weeks of age.
 3. Is personally caring for a member of the family, who is not the other TPEP parent, who has a physical or mental disability as verified by a licensed physician, and no other member of the household is available or suitable to provide the care.
 4. Has an illness of a temporary nature, as verified by a licensed physician.
- D. JOBS shall request verification from the recipient to substantiate the recipient's claim of inability to participate in work activities due to a circumstance established in this Section.
- E. JOBS shall determine the length of time a recipient is temporarily deferred based on verification provided by the recipient.

Historical Note

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R6-10-107. Self-assessment

- A. A participant shall have a self-assessment of employability.
- B. A participant shall complete, or assist in completing, a self-assessment as prescribed by the Program.
- C. The self-assessment shall include the participant's:
 1. Education and employment history;
 2. Skills, talents, and interests; and

3. Family and other circumstances which may impact the participant's employability.

- D. JOBS shall consider the self-assessment factors in the employment planning process

Historical Note

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R6-10-108. Employment Plan

- A. JOBS and the recipient shall complete an employment plan for the recipient that incorporates work activities to ensure that work requirements are met and to ensure that the recipient transitions to employment at the earliest opportunity. JOBS shall include the following factors on the employment plan:
 1. Employment goals,
 2. Work activities,
 3. Activity begin and end dates,
 4. Support services,
 5. Signatures of the recipient and the JOBS Program Specialist assigned to oversee provision of services to the recipient.
- B. The JOBS Program specialist, in consultation with the recipient, may revise the employment plan as needed to ensure the participant continues to advance toward the employment goal.

Historical Note

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R6-10-109. Participation in Primary Activities

- A. JOBS shall assign a participant, unless temporarily deferred as provided in R6-10-106, to primary activities that are most appropriate to the participant's employment plan as described in R6-10-108.
- B. JOBS shall assign participants to primary activities; unsubsidized employment is the 1st priority for all participants.
- C. The following are primary activities:

1. Job search and job readiness assistance for up to 6 weeks per calendar year;
 2. Unsubsidized employment;
 3. Subsidized employment - JOBSTART;
 4. OJT;
 5. Work experience;
 6. Community service programs;
 7. Vocational educational training for up to 1 year;
 8. Satisfactory attendance in high school or GED preparation classes for single teen custodial parents who are heads of household and have not obtained a high school diploma or GED;
 9. Education directly related to employment for teen custodial parents who are heads of household and have not obtained a high school diploma or GED, if actual participation hours equal at least the minimum hours required in primary activities.
- E.** The Department shall require TPEP parents to participate for a minimum of 3 days in work activities before the Department authorizes issuance of the initial TPEP cash assistance payment.
- G.** The Department shall require sanctioned individuals, who wish to reestablish their eligibility for cash assistance, to re comply with JOBS requirements by participating for a minimum of 3 days in work activities before the Department authorizes issuance of the cash assistance payment.

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R6-10-110. Participation Deemed to be Meeting the Work Requirement

- A.** JOBS shall deem the following participants to be meeting the work requirement.
1. A parent who is participating in work activities for at least the minimum average number of hours per week as described at R6-10-102(C).
 2. A parent, with a child under age 6, who participates for at least 20 hours per week in primary activities, except that only 1 parent in a TPEP family can meet the federal work requirement in this manner.
 3. A single, teen custodial parent under age 20 who:
 - a. Is head of household;
 - b. Has not obtained a high school diploma or GED; and
 - c. Maintains satisfactory attendance in high school or GED activities;
 4. A single, teen custodial parent under age 20 who:
 - a. Is head of household;
 - b. Has not obtained a high school diploma or GED; and
 - c. Satisfactorily participates in education directly related to employment for at least the minimum number of hours required in primary activities.

- B.** A participant who falls in 1 of the categories shown in subsection (A), who is deemed to be meeting the work requirement, may participate in additional work activities beyond those deemed to be meeting the work requirement.

Historical Note

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R6-10-111. Participation in Secondary Activities

- A.** JOBS may assign a participant to secondary activities that are appropriate to the participant's employment plan only after the participant meets required participation in primary activities.
- B.** The following are secondary activities:
1. Job search and job readiness activities after the maximum 6 weeks per year allowable as a primary activity;
 2. Job skills training;
 3. High school or GED preparation for an individual (other than a single, teen custodial head parent who is head of household) who has not attained a high school diploma or GED certificate; and
 4. Education directly related to employment for an individual (other than a single, teen custodial parent who is head of household) who has not attained a high school diploma or GED certificate.

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R6-10-112. Job Search and Job Readiness Activities

- A.** JOBS may assign a participant to job search and job readiness activities as a primary activity in accordance with Public Law 104-193, Section 407 (1996).
- B.** A participant assigned to job search and job readiness activities as a primary activity shall participate in job search and job readiness activities for at least the minimum participation requirement within a calendar week.

- C. JOBS shall count only 1 calendar week of job search and job readiness activities in which a participant participates for only 3 or 4 days in any week.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-113. OJT

- A. JOBS may assign a participant to OJT when other work activities have not resulted in employment and OJT is consistent with the participant's employment plan.
- B. JOBS shall approve OJT worksites and assignments which:
1. Are designed to improve the participant's chances for employment, and
 2. Provide compensation in accordance with applicable wage laws.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-114. Work Experience

- A. JOBS may assign a participant to work experience to improve the participant's employability by providing work experience, or to meet participation requirements.
- B. JOBS may assign a participant to work experience that is consistent with the participant's employment goals set forth in the participant's employment plan and shall consider the participant's prior training and experience when making an assignment to work experience.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-115. Community Service Programs

- A. JOBS may assign a participant to community service programs in conjunction with other primary activities to meet participation requirements.
- B. JOBS may assign a participant to community service programs to establish good work habits when the participant is unlikely to meet participation requirements by participating in other primary activities.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1). Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-116. Vocational Educational Training

- A. JOBS may assign a participant to vocational educational training, for up to a maximum of 1 year, when other work activities have not resulted in employment and vocational educational training is consistent with the participant's employment plan.
- B. JOBS shall use the following criteria to determine if a participant may be assigned to, or remain in, vocational educational training:
1. The participant:
 - a. Lacks a self-supporting skill for available jobs in the participant's geographical area;
 - b. Will attend at least half-time, as defined by the institution, an educational or training facility which is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment; and
 - c. Remains in good standing with the educational or training institution and makes satisfactory progress as defined by the institution.
 2. The education or training activities shall result in:
 - a. The attainment of skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions; and
 - b. An associate or bachelor degree, a diploma, a certificate, or a license related to employment opportunities which are or are likely to become available in the participant's geographical area.

- C. JOBS may approve, as vocational educational training, the educational or training activities of an individual who is already enrolled in education or vocational or technical training at the time the individual is registered in the Program.
- D. JOBS shall use the following criteria to determine if the educational or training activities of an individual already enrolled in education or training may be approved:
1. The individual:
 - a. Is attending at least half-time, as defined by the institution, an educational or training facility which is legally authorized, accredited, or recognized in Arizona as providing a program to prepare students for gainful employment;
 - b. Is in good standing with the educational or training institution and is making satisfactory progress, as defined by the institution; and
 - c. Is within 2 years of completing the program of study.
 2. The education or training activities shall result in:
 - a. The attainment of skills directly related to job opportunities for self-supporting employment in a recognized occupation that does not have high turnover due to substandard wages or working conditions; and
 - b. An associate or bachelor degree, a diploma, a certificate, or a license related to employment opportunities which are or are likely to become available in the participant's geographical area.

Historical Note

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R6-10-117. High School, GED Preparation, and Education Directly Related to Employment

- A. JOBS may assign a teen custodial parent, who has not obtained a high school diploma or GED, to participate in educational activities.
- B. JOBS may assign a single, teen custodial parent under age 20, who is head of household and has not obtained a high school diploma or GED, to education directly related to employment.
- C. JOBS may assign an adult participant, who does not have a high school diploma or GED, to GED activities or education directly related to employment only as a secondary activity.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
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R6-10-118. Transportation-related Expenses

- A. JOBS shall pay a participant, on a weekly basis, a transportation allowance of \$5.00 per day for each day in which the participant participates in the Program and incurs a transportation expense as a result of such participation.
- B. Except for participants in subsidized employment, JOBS shall not pay transportation-related expenses past the participant's 1st 4 weeks of employment or receipt of the participant's 1st paycheck, whichever comes 1st.

Historical Note

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R6-10-119. Support Services

- A. The Department shall provide a participant with paid child care to enable participation in the Program.
- B. JOBS may provide a participant with other support services, through payments to DES-approved service providers, to enable participation in the Program.
- C. Support services include:
 1. Health-related services which are not covered by AHC-CCS and which are necessary to enable a participant to become employed or to make a determination of employability including:
 - a. Medical examinations and tests,
 - b. Eyeglasses,
 - c. Dental services,
 - d. Mental health counseling, and
 - e. Other similar services.
 2. Other support services including:
 - a. Clothing;
 - b. Licenses;
 - c. Tools, equipment, and specialized garments used in specific occupations such as uniforms, hard hats, or other similar garments.
 3. Substance abuse rehabilitation services;
 4. Short-term crisis services for housing assistance and utility deposit assistance.
- D. During the 1st 30 calendar days of employment, JOBS may provide support services, which includes those listed in subsection (C).

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
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R6-10-120. Issue Resolution Procedures: Issues Involving Participants

- A. When an issue arises between a participant and JOBS, JOBS shall 1st attempt to resolve the issue informally through issue resolution proceedings.
- B. A participant or JOBS may request issue resolution proceedings by making a written request to JOBS describing the nature of the problem. If a participant makes an oral request, JOBS shall help the participant put the request in writing by completing the JOBS notice used for that purpose.
- C. JOBS shall begin issue resolution procedures within 2 working days of the date of a participant's written request, or the date of a written notice from JOBS to the participant.
- D. Issue resolution procedures shall terminate after 45 days, or upon JOBS' determination that the issue cannot be resolved, whichever comes 1st.
- E. A participant shall continue to participate in the Program while issue resolution proceedings are pending. If a participant fails to participate, JOBS shall direct a sanction, as provided at R6-10-121, or withholding as provided at R6-10-123.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
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R6-10-121. All Families Except TPEP: Failure to Participate; Sanctions

- A. If an individual required to participate fails to participate at the JOBS initial interview, as outlined at R6-10-105, the Department shall sanction the individual.
- B. JOBS shall send the individual written notification explaining:
 1. When and how the individual failed to comply,
 2. The consequences of the non-compliance,

3. The month in which the Department shall impose the sanction, and
4. How the individual can recompile.
- C. If a participant required to participate subsequently fails to participate or comply with Program requirements, or is avoiding or limiting employment, JOBS shall determine whether good cause exists as described in R6-10-122.
- D. When JOBS determines that a participant required to participate fails to participate without good cause as described in R6-10-122, the Department shall sanction the participant.
- E. JOBS shall send the participant written notification explaining:
 1. When and how the participant failed to comply,
 2. The consequences of the non-compliance,
 3. The month in which the Department shall impose the sanction, and
 4. How the participant can recompile.
- F. At the 3rd and subsequent sanctions, JOBS shall close the participant's JOBS case.
- G. A participant is entitled to a fair hearing, as provided at A.A.C. R6-12-1001, to contest a Department sanction of cash assistance.
- H. A participant who wishes to appeal a sanction of cash assistance shall file a written request with the Department following the procedures in A.A.C. R6-12-1002.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective June 6, 1995 (Supp. 95-2). Section repealed; new Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-122. Good Cause Exceptions

- A. Good cause reasons are those deemed acceptable by JOBS which prevent a participant from participating in work activities, complying with JOBS requirements, or accepting employment. The following circumstances shall constitute good cause:
 1. The participant had a verified illness;
 2. Either the participant or dependent child had a verified appointment, which could not be rescheduled, for a court-ordered appearance, incarceration, or other significant appointment such as an employment interview, Division of Child Support Enforcement (DCSE) related appointment, or other similar appointment;
 3. The participant had a verified emergency family crisis, such as loss of residence due to a natural disaster or the death of a participant's immediate family member;
 4. The participant had a temporary verified lack of transportation with no alternate means of transportation, including walking;
 5. The participant was prevented from participating due to verified severe weather conditions which prevented other persons in the area of the participant's residence from traveling.

6. The participant provides verification that child care for a child under the age of 13 was unavailable, unaffordable, or unsuitable.
 7. The participant is not capable of performing the work assigned or the essential job functions related to the work activity due to unsafe worksite conditions, physical demands of the position, the participant's lack of skills or knowledge required for the position, and other similar circumstances.
 8. The job offered is vacant due to a strike, lockout, or other bona fide labor dispute; or the job offered is contrary to the conditions of the participant's membership in a union governing the occupation.
 9. The participant provides verification that he or she is experiencing a domestic violence episode which threatened the safety of the participant and/or the participant's child.
- B.** JOBS shall request, and the participant shall provide, verification of good cause. Verification may include the following:
1. Physician's statements;
 2. Appointment notices such as appointments from courts, FAA, and other similar notices;
 3. Death certificates;
 4. Public knowledge or newspaper articles;
 5. Information from the DES Child Care Administration (CCA);
 6. Police reports;
 7. Statements from crisis shelter staff and/or witnesses of domestic violence;
 8. Worksite visits;
 9. Signed participant statements containing all factors contributing to the failure to comply if no other verification is possible.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-123. TPEP: Failure to Participate; Withholding

- A.** If a TPEP parent required to participate fails to participate or comply with Program requirements, or is avoiding or limiting employment, JOBS shall determine whether good cause exists as described at R6-10-122.
- B.** When JOBS determines that a TPEP parent required to participate fails to participate without good cause, the Department shall withhold TPEP cash assistance.
- C.** JOBS shall send the participant written notification explaining:
 1. When and how the parent failed to comply,
 2. The consequences of non-compliance,
 3. The pay period to which the Department shall impose the withholding, and
 4. How the individual can recommit.
- D.** At the 3rd withholding, JOBS shall close the participant's JOBS case.

- E.** A participant is entitled to a fair hearing, as provided at A.A.C. R6-12-1001, to contest a Department withholding of cash assistance.
- F.** A participant who wishes to appeal a withholding of cash assistance shall file a written request with the Department following the procedures in A.A.C. R6-12-1002.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-124. Subsidized Employment - JOBSTART

- A.** To be eligible to participate in JOBSTART, a participant shall:
 1. Be a JOBS participant,
 2. Be receiving both cash assistance and food stamps,
 3. Have completed a Job Readiness workshop and preliminary job search,
 4. Be reasonably expected to be able to benefit from subsidized employment in terms of enhanced employability.
- B.** JOBS shall provide a JOBSTART orientation to participants. The orientation shall describe JOBSTART, including:
 1. The benefits of subsidized employment;
 2. The diversion of the participant's cash assistance and food stamp benefits for wage subsidy;
 3. The consequences of failure to comply with JOBSTART requirements;
 4. The availability of, and the requirements to qualify for and obtain, supplemental payments;
 5. The fair hearing process for challenging adverse action or failure to receive a supplemental payment;
 6. The exclusion of JOBSTART wages in calculating cash assistance and food stamp benefit eligibility;
 7. The potential eligibility for advance Earned Income Credits (EIC) as allowed under the Internal Revenue Code.
- C.** JOBS shall make job referrals by matching a participant's skills, experience, and employment goal with a JOBSTART employer's requirements. JOBS shall also consider the following criteria in making JOBSTART employment referrals:
 1. Whether a referral will give a participant additional employment opportunities because of skills learned through JOBSTART employment;
 2. Whether a referral is likely to result in a permanent, unsubsidized, or full-time employment for the participant;
 3. The length and quality of training the JOBSTART employer will provide to the participant;
 4. Wages, benefits, and opportunities for advancement;
 5. The employer's turnover rate; and
 6. Other comparable or similar factors.
- D.** JOBS shall schedule the participant for an interview with the prospective employer and notify the participant of the interview date, place, and time.
- E.** The employer shall decide whether to hire a participant.

- F.** A participant shall abide by an employer's regular requirements regarding:
1. Submitting an application for employment,
 2. Appearing for interviews,
 3. Providing necessary information such as citizenship verification,
 4. Hours of employment,
 5. Attendance,
 6. Job performance,
 7. Conduct, and
 8. Other similar conditions of the employment.
- G.** A participant shall comply with the following JOBSTART requirements:
1. Sign the JOBS form agreeing to abide by JOBSTART requirements;
 2. Appear for pre-referral and assessment interviews with JOBS staff or JOBS designee;
 3. File a weekly report of employment days, hours, and pay received;
 4. Accept and maintain subsidized employment;
 5. Establish good cause for failing to participate, as prescribed in R6-10-122;
 6. Report changes to JOBS which affect JOBSTART participation such as:
 - a. The need for additional support services as provided at R6-10-119,
 - b. Accepting or refusing an offer of employment,
 - c. Absence from or termination of employment,
 - d. Job position or function modifications, and
 - e. Other similar or comparable factors;
 7. Ensure that the participant's children between the ages of 6 and 16 receive school instruction as prescribed in A.R.S. § 15-802.
- H.** At the end of each work week, a participant shall complete and sign the JOBS form on which the participant shall indicate his or her name, days and hours worked, and pay received. The participant shall obtain his or her supervisor's signature, or that person's designee, on the form and send the form to his or her JOBS worker.
- I.** The Department shall use information on the form to determine:
1. Whether the participant is entitled to a supplemental payment as provided in R6-10-125(N);
 2. The amount of reimbursement for JOBSTART employers as prescribed in R6-10-126(H); and
 3. The participant's compliance with JOBSTART.
- J.** If the participant fails to send in the completed form, the Department shall impose a sanction, as provided in R6-10-121, or a withholding as provided in R6-10-123, of cash assistance, and withhold supplements. If the employer fails to sign the form, reimbursement payments to the employer shall be delayed until the employer signs the form or is terminated for the failure to sign, as prescribed in R6-10-126(D)(4).
- K.** Participants may participate in JOBSTART employment for up to 6 months with 1 extension of 3 months. If a participant's employer wishes to request an extension, the employer shall request the extension in writing and shall provide the following information on which JOBS shall base its decision to extend:
1. Name of the participant for whom the extension is requested,
 2. Position for which an extension is requested,
 3. What additional experience or training is needed to achieve competency,
 4. The employer's expectation for hiring the individual following the extension,
 5. The length of the extension, and
 6. Other similar or comparable factors indicating an extension is necessary.
- L.** Total JOBSTART employment time for a participant shall not exceed 9 months;
- M.** Participants shall comply with Program requirements, including all JOBSTART requirements, as described in this Article. If a participant fails to participate, comply with Program requirements, or is avoiding or limiting employment, the Department shall impose a sanction, as provided at R6-10-121, or withholding of cash assistance, as provided at R6-10-123.
- N.** Each month, the Department shall make supplemental payments to participants whose net wages did not equal the combined benefit amount of cash assistance and food stamps for which they were eligible.
- O.** When a participant's combined cash assistance and food stamp monthly benefit amount exceeds the amount of the participant's adjusted gross wages and supplemental payments for the same month, and the loss is due to an unpaid hour of absence as reported by the JOBSTART employer, the Department shall:
1. Presume that each unpaid hour was not for good cause;
 2. Withhold a supplemental payment to make up the difference; and
 3. Send the participant written notice of adverse action no later than 10 days following the end of the benefit month. At a minimum, the notice shall include the following information:
 - a. The information required for an adequate notice as described in R6-10-121(D);
 - b. The participant's right to provide verification of good cause for such absence, as prescribed in R6-10-122, and the participant's right to receive a supplemental payment if the Department finds that the participant has established good cause; and
 - c. The participant's responsibility to provide documentation of good cause to JOBS within 10 calendar days from the date of notice to avoid withholding of the supplemental payment pending the outcome of a fair hearing.
- P.** The Department shall provide a supplemental payment reconciling the difference no later than 10 days after the end of the month in which the participant establishes good cause if:
1. The participant provides verification of good cause as described in R6-10-122(B), and
 2. The verification is received by JOBS within 10 calendar days of the date the adverse action notice was mailed.
- Q.** The Department shall not provide the participant a supplemental payment reconciling the difference if the participant does not request a hearing or requests a hearing but waives the continuation of benefits pending the outcome of the hearing, and either:
1. The participant does not provide any verification of good cause, or
 2. The participant does not timely provide verification of good cause.
- R.** The Department shall conduct hearings on appeals of adverse action as prescribed in Article 3. Grievances are also governed by procedures provided in Article 3.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-10-125. Employer Participation - JOBSTART

- A.** An employer who wants to participate in JOBSTART shall notify the JOBS office in the community where the employer is located. To qualify for participation, an employer shall:
1. Agree to place a participant in a full-time position;
 2. Reasonably expect to offer the participant an opportunity for full-time, unsubsidized employment;
 3. Normally require the participant to work no more than an average of 40 hours per week;
 4. Not place the participant in a position that will displace a regular employee;
 5. Pay wages that are substantially like the wages paid for similar jobs, with like adjustments for experience and skills, but never less than federal minimum wage;
 6. Maintain safety, health, and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs offered by the employer;
 7. Provide training at the worksite which is necessary to meet the competency standards for the position;
 8. Provide health care coverage, sick leave, holiday and vacation leave, and other comparable benefits in conformance with the employer's rules for new employees;
 9. Provide Workers' Compensation coverage;
 10. Help the participant obtain any advance Earned Income Credit for which the participant may be eligible;
 11. Sign the agreement as prescribed in R6-10-125(D); and
 12. Sign the Department's certification form as prescribed in R6-10-125(F).
- B.** If the employer satisfies the criteria listed in subsection (A), the employer may place a job order with JOBS. The order shall include the following information on the available position:
1. Days and hours of work,
 2. Wages,
 3. Description of responsibilities,
 4. Benefits,
 5. Opportunity for advancement, and
 6. Other pertinent job related information.
- C.** No employer is required to participate in JOBSTART.
- D.** An employer who wants to hire a participant shall sign an agreement with the Department.
1. The employer shall affirm that the employer satisfies all of the selection criteria listed in R6-10-125(A) and will continue to meet all the selection criteria while participating in JOBSTART.
 2. If the employer violates a JOBSTART requirement, the employer shall repay any reimbursements the employer receives after the date of the violation.
 3. The employer shall avoid conflicts of interest and the appearance of impropriety or favoritism in hiring practices, such as preferential hiring of relatives, friends, and business associates.
 4. The employer shall prepare and provide to the Department the following reports:
 - a. Each week, the employer shall verify and sign a timesheet for each participant stating:
 - i. Gross wages,
 - ii. Participant net earnings,
 - iii. Number of paid hours of work (including paid hours of leave),
 - iv. Hours for which a participant was not paid because the participant had an unexcused absence, and
 - v. Hours for which the participant was not paid because the employer reduced available work hours.
- b.** No later than the 10th workday of each calendar month following a month of work, the employer shall complete and provide to JOBS a 1-page report on each participant's performance. The report shall include the following information:
- i. Skills (competencies) gained as a result of employment;
 - ii. Ability to correctly and timely complete assignments;
 - iii. General work habits such as punctuality, absenteeism, and neatness of work area; and
 - iv. Development of effective and efficient working relationships with people, including supervisors, peers, and subordinates.
- 5.** An employer shall allow JOBS staff to schedule and make visits to the worksite, so staff can observe a participant's work activities and interview the participant.
- E.** The employer shall sign and date the agreement. A JOBS representative and the participant shall also sign and date the agreement.
- F.** An employer who wants to participate in JOBSTART shall also provide JOBS with a signed, dated, and certified form. On the form, the employer shall certify the information listed in this Section as true, as to the employer, and its principal officers and directors.
1. The employer is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency, the state of Arizona, or any other state.
 2. The employer has not, within the preceding 3 years, been convicted of or had a civil judgment rendered against the employer for:
 - a. Fraud,
 - b. Antitrust,
 - c. Embezzlement,
 - d. Theft,
 - e. Forgery,
 - f. Bribery,
 - g. Falsification or destruction of records,
 - h. Making false statements, or
 - i. Receiving stolen property.
- G.** The Department shall compute an employer's reimbursement amount based on the information the participant and employer provided as described in R6-10-125(D)(4)(a).
- H.** For each participant, the employer's reimbursement for wages and employer's expenses shall not exceed a wage reimbursement that is the lesser of:
1. The gross wages paid to the participant in the month, or
 2. \$400.
- I.** The Department shall issue the reimbursement no later than the 25th day of the same calendar month in which the employer's report is timely received. Late receipt of the form may delay reimbursements.
- J.** If JOBS knows or learns of information indicating that the employer's certification, pursuant to R6-10-125(F), is or has become untrue, the Department shall terminate the employer's

participation in JOBSTART and shall not allow the employer to participate in the future.

- K.** The Department shall also terminate the employer's participation in JOBSTART if the employer has shown a pattern of either terminating participants before the completion of training or of not offering unsubsidized employment to participants who have successfully completed training with the employer.

1. JOBS shall consider each occurrence of either circumstance in establishing the pattern.
2. JOBS shall not allow the employer to participate in JOBSTART if the total occurrences exceed the greater of the following figures, unless the employer can establish good cause:
 - a. 2 occurrences, or
 - b. 20% of the total number of participants placed with the employer.
3. If the employer claims good cause, the employer shall provide proof that the participant failed to meet the employer's requirements pursuant to R6-10-124(F), and that the employer attempted to establish a reasonable alternative with the participant but was unsuccessful, due to circumstances outside the employer's control.

- L.** If JOBS determines that an employer has violated JOBSTART requirements, as prescribed in R6-10-125(A), the Department shall take all of the following adverse actions against the employer:

1. Withhold any subsidized payments due the employer, following the date of the violation;
2. Seek repayment of any amounts overpaid to the employer; and
3. Not allow the employer to participate any longer in JOBSTART as prescribed in R6-10-125(J);

- M.** If the Department plans to take adverse action against an employer, the Department shall send the employer a written notice of adverse action. At a minimum, the notice shall include:

1. The name and address of the employer;
2. The action taken and the reason for the adverse action;
3. The authority for the action; and
4. The employer's appeal rights.

- N.** An employer who disagrees with the amount of an unsubsidized payment, or who is subject to adverse action as prescribed in subsection (M), may file a grievance as provided in Article 3.

- O.** The Department shall conduct grievance procedures pursuant to R6-10-303.

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2). New Section adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-126. Repealed

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2).

R6-10-127. Repealed

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2).

R6-10-128. Repealed

Historical Note

Adopted effective January 10, 1977 (Supp. 77-1).
Amended effective July 27, 1983 (Supp. 83-4). Repealed effective June 6, 1995 (Supp. 95-2).

ARTICLE 2. REPEALED

R6-10-201. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Amended effective January 10, 1997 (Supp. 97-1).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-202. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-203. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-204. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-205. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-206. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-207. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-208. Repealed

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-209. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-210. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-211. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-212. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-213. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-214. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-215. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-216. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-217. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-218. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-219. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-220. Repealed**Historical Note**

Adopted effective December 11, 1995 (Supp. 95-4).
Repealed effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

ARTICLE 3. GRIEVANCE PROCEDURES

Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-10-301. Definitions

The definitions in R6-10-101 apply in this Article.

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).
Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

R6-10-302. Grievances - Regular Employees; Employer

Regular employees of employers, with whom JOBS participants are placed in unpaid or subsidized jobs, may file a grievance regarding displacement as prescribed in this Article. As used in this Section, displacement shall include assigning a participant to a position which:

1. Results in the termination or reassignment of a regular employee;
2. Results in the reduction of non-overtime work, wages, or benefits of a regular employee;
3. Impairs an existing contract for service or a collective bargaining agreement;
4. Fills the position of a regular employee on layoff status;
5. Creates a new position for a participant when the new position performs substantially the same job functions as the position held by a regular employee on layoff, or who is subsequently terminated;
6. Infringes upon the promotional opportunities of a regular employee; or
7. Fills any established, unfilled position.

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).

Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pur-

suant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-10-303. Grievance Process

- A.** Upon request, JOBS shall provide information to regular employees and Project employers regarding their right to file a grievance and the procedures for doing so.
- B.** The aggrieved party may seek to informally resolve a grievance at the regional level with the JOBS Regional Program manager, or that person's designee, or may request a fair hearing.
- C.** To pursue informal resolution, an aggrieved party shall file a Departmental grievance form with the JOBS Regional Program Manager or designee. The form shall contain the following information:
 1. Aggrieved party's name, address, and phone number;
 2. Date of grievance;
 3. Contact person, if other than the aggrieved party;
 4. Regional Program Manager or designee, address, phone number;
 5. A description of the action which is the subject of the grievance and the date of the action; and
 6. The proposed resolution.
- D.** If the aggrieved party requests an informal resolution, the Department shall hold an informal resolution meeting with the aggrieved party, within 15 working days from the date the Department receives the grievance.
- E.** If a grievance is not resolved at the informal meeting, the aggrieved party may request a fair hearing with the Department of Economic Security, Office of Appeals, within 20 days from the date of the informal meeting, by sending a request for a fair hearing to the JOBS local office.
- F.** If the aggrieved party does not choose to seek an informal resolution as prescribed in subsections (C) and (D), the aggrieved party may request a fair hearing by filing a request with the local JOBS office. An employer who requests a fair hearing shall file a request within 20 calendar days of the date of the adverse action notice as described in A.A.C. R6-12-1002. Upon request, JOBS shall assist the aggrieved party in preparing the hearing request. Assistance shall include an explanation of the aggrieved party's right to fair hearing, the fair hearing procedures, and the process.
- G.** The date the hearing is deemed filed shall be in accordance with A.A.C. R6-12-1002.
- H.** The JOBS local office shall prepare and forward the request for a hearing to the Office of Appeals. The JOBS office shall include:
 1. The information submitted pursuant to subsection (C),
 2. The decision reached at the informal resolution meeting, and
 3. Any decision notice or other documents relating to the hearing request.
- I.** Upon receipt of a request for a fair hearing, the Office of Appeals will conduct the hearings pursuant to A.A.C. R6-12-1005 through R6-12-1007 and R6-12-1009 through R6-12-

1013(A), except that references to FAA shall be references to JOBS.

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).

Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74 (A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-10-304. Further Appeal

- A.** Regular employees grieving displacement issues pursuant to R6-10-125(A)(4) may appeal the decisions of a Department hearing officer as prescribed below:
 1. The aggrieved party shall send the appeal to:

Office of Administration Law Judges
U.S. Department of Labor
Vanguard Building, Room 600
1111 20th Street, N.W.
Washington, DC 20036
 2. The aggrieved party shall send a copy of the appeal to the following:
 - a. Assistant Secretary for Employment and Training
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210; and
 - b. Assistant Secretary for Family Support
Department of Health and Human Services
370 L'Enfant Promenade, SW, 6th Floor
Washington, DC 20447
 3. The aggrieved party shall include the following information in the appeal:
 - a. The full name, address, and telephone number of the aggrieved party;
 - b. Citations to provisions or regulations the aggrieved party believes have been violated;
 - c. A copy of the original grievance filed with the state; and
 - d. A copy of the state's finding and decision.
 4. The decision of the Office of the Administrative Law Judges is the final decision of the Department of Labor.
- B.** Employers grieving issues pursuant to R6-10-125 may appeal the findings of a Department hearing officer to the Department's Appeals Board pursuant to R6-12-1014(A) except that the decision of the Board is final.

Historical Note

Adopted effective December 11, 1995 (Supp. 95-4).

Amended effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).